CARLTON

(Ireland.)

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To continue, for a limited Time, the several Acts for regulating Turnpike Roads in Ireland, which will expire at or before the End of the present Session of Parliament, or at or before the End of the Session of Parliament next after the Fourth day of August One thousand eight hundred and Forty-one.

[N. B.—*The Clauses marked* (A.) *to* (E.) *were added by the Committee.*]

Preamble.

WHEREAS it is expedient that the several Acts for regulating Turnpike Roads in Ireland, hereinafter referred to, should be amended and continued for a limited time; **BE it therefore Enacted,** by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT any Act for making, amending or repairing any Turnpike Road or Roads in Ireland, which will expire at or before the End of the present Session of Parliament, or at or before the End of the Session of Parliament next after the Fourth day of August One thousand eight hundred and Forty-one, shall be and the same is hereby continued as amended by this Act, until the Fourth day of August One thousand eight hundred and Forty-two, and, if Parliament shall be then sitting, until the End of the then Session of Parliament.

1. Expiring Turnpike Acts continued till 4 August 1842, &c.

2. CLAUSE (A.) Manure exempted from Toll after the time when the present Turnpike Acts would have expired, if not continued by this Act.

AND whereas several of the Acts by this Act continued contain no exemption from Toll for horses, beasts or other cattle, carts or carriages, employed in carrying manure, and it is expedient that the same shall be so exempted from and after the time or times respectively when this Act will take effect in respect of the several Turnpike Roads regulated by such Acts; BE it therefore Enacted, That from and after the time or times respectively when, if this Act had not been made,

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made, the several Acts by this Act continued would have expired, no Toll shall, save as hereinafter provided, be demanded or taken by virtue of any Act so continued by this Act on any Turnpike Road for any horse, beast or other cattle, cart or carriage, drawing or carrying only dung, soil, mould, marl, lime or compost, for improving or manuring land, or going empty or loaded only with implements necessary for more convenient carriage of or loading or unloading such lading, or returning empty, having been so laden, or with such implements as aforesaid.

3. Clause (B.) Tolls payable on Carts, &c. going empty for Manure, to be repaid on returning.

Provided always, and be it Enacted, That for the preventing of frauds on Toll-collectors, under pretence of going for manure, the owner or driver of any horse, beast or other cattle, cart or carriage, passing through any turnpike-gate empty or unladen, or loaded only with implements necessary for the more convenient carriage of or for loading or unloading manure as aforesaid, shall, notwithstanding the exemption hereinbefore contained in respect of horses, beasts or other cattle, carts or carriages, going for manure, pay the Toll to which they would have been liable if this exemption had not been established, before the same shall be permitted to pass through such gate; and the collector of such Toll shall, upon claim of such exemption under this Act, deliver to such owner or driver a ticket, marked "Manure Exemption," with the name of the gate, and the date when so delivered, and the amount of the Toll so paid, which Toll shall be repaid to such owner or driver upon returning with such horse, beast or other cattle, cart or carriage, so laden as aforesaid, and producing such ticket; and every collector of such Toll refusing to give such ticket on receiving the Toll, and claim of such exemption, or refusing or neglecting to repay such Toll on the return of such horse, beast or other cattle, or cart or carriage, so laden, and re-delivery of such ticket, shall for every such offence forfeit and pay to the owner of such horse, beast or other cattle, or cart or carriage, a penalty of not more than Five Pounds, upon conviction thereof before any one or more Justice or Justices of the Peace for the county or place wherein such offence shall be committed, upon the oath of any one or more credible witness or witnesses.

Penalty for not repaying Toll, 5*l.*

4. Clause (C.) Trustees to give Notice of this Exemption.

And be it Enacted, That on or before the day when this Act shall take effect in respect of each Turnpike Road, the Trustees or Commissioners of such Road shall and they are hereby required to alter or cause to be altered the List of Tolls by them maintained at every Toll-gate within their respective districts, so as to notify the exemption by this Act created; and they shall also provide the Tickets, denoting such exemption as hereinbefore required, for the use of the Collectors at such Gates.

AND

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5. Clause (D.) 1 & 2 W. 4, c. 33.

AND whereas, by an Act passed in the Session of Parliament holden in the first and second years of the reign of his late Majesty King William the Fourth, intituled, "An Act for the Extension and Promotion of Public Works in Ireland," the Commissioners acting in execution thereof were authorized to make loans and advances upon the terms and conditions and with the powers, privileges and authorities for the security and recovery of such loans and advances therein mentioned; and it was by the said Act further enacted, that from and after the appointment of the Commissioners for the execution of the said Act, the powers and authorities of the persons theretofore appointed Commissioners by virtue of any power derived from any of the Acts therein and hereinafter enumerated for the execution of the same in Ireland, should wholly cease and determine, and that all such powers and authorities should vest in and devolve upon the Commissioners for the execution of the said Act of the first and second years of the reign of his said Majesty King William the Fourth, and such Commissioners were thereby required and authorized and empowered to exercise all such powers and authorities as might have been vested in or conferred upon the Commissioners acting in Ireland under or by virtue of any of the Acts therein and hereinafter enumerated; (that is to say) an Act passed in the fifty-seventh year of the reign of his Majesty King George the Third, intituled, "An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and the Employment of the Poor in Great Britain, in manner therein mentioned;" also an Act passed in the same Session of Parliament, intituled, "An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills, and for the Advance of Money for carrying on Public Works and Fisheries, and the Employment of the Poor;" also an Act passed in the fifty-eighth year of the reign of his said Majesty King George the Third, intituled, "An Act to amend two Acts made in the last Session of Parliament for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries, and the Employment of the Poor, and to extend the Powers of the Commissioners appointed for carrying the said Acts into Execution in Ireland;" also an Act passed in the first year of the reign of his late Majesty King George the Fourth, intituled, "An Act to amend and continue two Acts passed in the fifty-seventh Year of his late Majesty King George the Third, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor, and to extend the Powers of the Commissioners for executing the said Acts in Great Britain;" also an Act passed in the same Session of Parliament, intituled, "An Act to amend several Acts made in the fifty-seventh and fifty-eighth Years of his

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his late Majesty, for the advance of Money for carrying on Public Works, and for other Purposes, so far as the said Acts relate to Ireland;" also an Act passed in the third year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to amend two Acts of the fifty-seventh Year of his late Majesty, and the first Year of his present Majesty, for authorizing the Issue of Exchequer Bills, and Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the purposes of the said Acts;" also another Act passed in the same Session of Parliament, intituled, "An Act to authorize the further Advance of Money out of the Consolidated Fund for the Completion of Works of a public Nature, and for the Encouragement of the Fisheries in Ireland;" also an Act passed in the fourth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to amend the several Acts for the Assistance of Trade and Manufactures, and the Support of Commercial Credit in Ireland;" also an Act passed in the fifth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to amend and render more effectual the several Acts for the issuing of Exchequer Bills for Public Works;" also an Act passed in the same Session of Parliament, intituled, "An Act to amend the Acts for the Issue of Exchequer Bills for Public Works;" also an Act passed in the sixth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to render more effectual the several Acts for authorizing Advances for carrying on Public Works, so far as relates to Ireland;" also an Act passed in the seventh year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to amend the several Acts for authorizing Advances for carrying on Public Works, and to extend the Provisions thereof in certain cases;" also an Act passed in the seventh and eighth years of the reign of his said late Majesty King GEORGE the Fourth, intituled, "An Act to amend an Act of the first Year of his present Majesty for the Advance of Money for carrying on Public Works in Ireland;" and also another Act passed in the same Session of Parliament, intituled, "An Act for the further Amendment and Extension of the Powers of the several Acts authorizing Advances for carrying on Public Works:" AND whereas sundry loans made to the Trustees or Commissioners of several Turnpike Roads in Ireland under the said last-mentioned Acts are still due and outstanding, and it is expedient to give the said Commissioners of Public Works the same powers, privileges and authorities for recovering and levying the money due on foot of such loans or advances as they possess in respect of such like loans or advances made under the said Act of the first and second years of the reign of his said Majesty King WILLIAM the Fourth, and the Acts amending the same; BE it therefore Enacted, That in all cases of loans or advances at any time made to the Trustees or Commissioners

Powers of Commissioners under 1 & 2

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Commissioners of any Turnpike Road or Roads in Ireland, under the said Acts of the fifty-seventh and fifty-eighth years of the reign of his Majesty King George the Third, or of the first, third, fourth, fifth, sixth, seventh, or seventh and eighth years of the reign of his Majesty King George the Fourth, hereinbefore mentioned, or any of them, the said Commissioners of Public Works shall have all such and the like powers, privileges, remedies, advantages and authorities for the purpose of recovering or compelling payment of any such loan or advance, or any part thereof, or the interest thereon, now or which may hereafter become due and in arrear, as the said Commissioners may now by law have in respect of any loan or advance made to the Trustees or Commissioners of any Turnpike Road or Roads under the said recited Act of the first and second years of the reign of his late Majesty King William the Fourth, or any Act amending the same, or in respect of any default in the payment of such loan or advance, or the interest thereon; and that all and every the clauses and provisions therein contained for the repayment and recovery of any such loan or advance, or the interest thereon, and for enabling the said Commissioners, in default thereof, to enter into possession of and receive any rates, rents, tolls, receipts or profits, on the credit whereof any loan or advance may have been made, shall extend to all loans and advances at any time made to the Trustees or Commissioners of any Turnpike Road or Roads under the said recited Acts of the fifty-seventh and fifty-eighth years of the reign of his Majesty King George the Third, or of the first, third, fourth, fifth, sixth, seventh, or seventh and eighth years of the reign of his Majesty King George the Fourth, or any of them, as if such clauses and provisions had been contained in such last-mentioned Acts, or as if such loan or advance had been made under the said recited Act of the first and second years of the reign of his late Majesty, or of any Act amending the same: Provided always, That nothing herein contained shall extend or be construed to deprive any persons holding prior mortgages, assignments, or other securities, on such Turnpike Trusts, of any advantage which, by reason of such priority, they might have in case this Act had not been passed.

W. 4, c. 32, for recovery of Loans, extended to Loans under previous Loan Acts to Trustees of Turnpike Roads.

Saving of Rights of prior Creditors.

6.

Clause (E.) Any Proceedings for the recovery of Loans, &c. heretofore taken may be abandoned, and others taken.

And be it Enacted, That it shall and may be lawful for the said Commissioners of Public Works to use and exercise for the purpose aforesaid all the powers, privileges, remedies, advantages and authorities aforesaid, notwithstanding any other mode of proceeding may have been already taken by them; and that in case they shall think fit that any suit or other proceeding at law or in equity, for the recovery of any outstanding loan or other such purpose as aforesaid, heretofore commenced or which at any time hereafter may be commenced by them, should be stayed or dismissed, it shall be lawful for the Court wherein such suit or other proceeding may be pending, upon motion on the part of the said Commissioners, at its discretion, to stay or dismiss

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mess the same, and to make such order in respect of the costs thereof as to such Court shall seem fit; and in case such Court shall direct the payment of any costs by the said Commissioners, it shall be lawful for them to apply any monies by them recovered or received on account of such outstanding loan in discharge of such costs. 5

7 Act may be amended or repealed this Session

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Turnpike Acts Continuance

(Ireland)

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To continue, for a limited Time, the several Acts for regulating Turnpike Roads in Ireland, which will expire at or before the End of the present Session of Parliament, or at or before the End of the Session of Parliament next after the Fourth day of August One thousand eight hundred and Forty-one.

(*Prepared and brought in by Mr. Attorney-General for Ireland and Lord Viscount Morpeth*)

Ordered by The House of Commons, to be Printed.
8 *March* 1841.

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Under 1 *oz.*

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